

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 26, 2018**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALFREDO MAGANA GARIBAY (18),

Defendant.

No. 4:15-CR-06049-EFS-18

**ORDER GRANTING CONSTRUED MOTION  
TO WITHDRAW**

Before the Court is defense counsel Michael V. Felice's Notice of Withdrawal and Substitution of Attorney for Defendant, ECF No. 749. In this notice, Mr. Felice informs the Court that he "withdraws as attorney for the defendant immediately and NICHOLAS MARCHI hereby substitutes as attorney for the defendant . . . ." The Court presumes that Mr. Felice intended to abide by Local Rule 83.2(d)(3)<sup>1</sup> and thus construes his notice as a motion for leave to withdraw as counsel for Defendant.

Because Defendant has previously expressed concerns about Mr. Felice's performance and has since retained Mr. Marchi, the Court finds good cause to grant Mr. Felice's construed motion to withdraw.

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<sup>1</sup> Local rule 83.2(d)(3) provides that: "where there is a change in counsel that affects a termination of one law office and the appearance of a new law office, leave of Court is required and a motion for leave to withdraw shall be filed."

1           Accordingly, **IT IS HEREBY ORDERED:** Defense counsel Michael V.  
2 Felice's Construed Motion to Withdraw as Counsel for Alfredo Magana  
3 Garibay, **ECF No. 749**, is **GRANTED**.

4           **IT IS SO ORDERED.** The Clerk's Office is directed to enter this  
5 Order and provide copies to Mr. Felice and Mr. Marchi.

6           **DATED** this   25<sup>th</sup>   day of April 2018.

7  
8   s/Edward F. Shea            
9                               EDWARD F. SHEA  
                              Senior United States District Judge